



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUL -5 2017

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Leamond C. Stuart III

Stockbridge, GA 30281

RE: MUR 7033

Dear Mr. Stuart:

The Federal Election Commission reviewed the allegations in your complaint received on March 30, 2016. On June 22, 2017, based upon the information provided in the complaint, and other available information, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations and close its file in this matter. At the same time, the Commission reminded the respondents that within fifteen days of becoming a candidate (*see* 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3), the candidate must designate a principal campaign committee by filing a Statement of Candidacy (*see* 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1(a)), and that the designated principal campaign committee is required to file a Statement of Organization within ten days of designation or report any change in information previously submitted on its Statement of Organization within ten days of the change (*see* 52 U.S.C. § 30103(a), (c)). Accordingly, the Commission closed its file in this matter on June 22, 2017. A copy of the Factual and Legal Analysis, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FACTUAL AND LEGAL ANALYSIS

I. INTRODUCTION

II. FACTUAL AND LEGAL ANALYSIS

The Complaint alleges that Michael Robert Crane announced his candidacy for the U.S. House of Representatives on January 20, 2016, and began actively campaigning at that time with signs, cards and paid advertising. Compl. at 1. The Complaint asserts that the \$5,220 fee Crane paid on March 7, 2016, to qualify as a federal candidate in Georgia, was sufficient to trigger candidate status and registration requirements, but that Crane had not filed a Statement of Candidacy or designated a principal campaign committee as required under the Act.² *Id.* Neither Crane nor the Committee filed a Response to the Complaint.

² The Complaint was filed on March 30, 2016. Disclosure reports show that the Crane campaign filed a Statement of Candidacy and Statement of Organization on April 12, 2016.

B. Legal Analysis

Within fifteen days of becoming a candidate,³ the candidate must designate a principal campaign committee by filing a Statement of Candidacy.⁴ The designated principal campaign committee is required to file a Statement of Organization within ten days of designation or report any change in information previously submitted on its Statement of Organization within ten days of the change.⁵

Reports filed with Commission show that Michael Robert Crane filed a Statement of Candidacy for the 2016 election on April 12, 2016, and the Committee filed a Statement of Organization on the same day.⁶ The Committee's disclosure reports indicate that the Committee likely crossed the \$5,000 contribution threshold for filing a Statement of Candidacy no later than February 7, 2016.⁷ Based on that date, Crane should have filed his Statement of Candidacy by February 22, 2016, and the Committee should have filed a Statement of Organization by March 3, 2016. Therefore, Crane filed his Statement of Candidacy at least fifty days late and the Committee filed its Statement of Organization at least forty days late.

Even so, these late filings did not cause the Committee to file an untimely 2016 April Quarterly Report, which was the first report due after Crane passed the candidate threshold.

³ 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3

⁴ 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1(a).

⁵ 52 U.S.C. § 30103(a), (c).

⁶ Both of the forms (Form 2 Statement of Candidacy and Form 1 Statement of Organization) were dated February 2, 2016, but for unknown reasons were not mailed to the Commission until April 12, 2016.

⁷ While the Complaint alleges that Crane paid a \$5,220 state fee on March 7, 2016, it offers no documentation, and the Committee's disclosure reports do not show a \$5,220 expenditure on that date. The Committee's 2016 April Quarterly shows a \$250 "registration fee" paid to the "GA Secretary of State" on March 8, 2016 (see Crane for Congress 2016 April Quarterly at 34). However, the Committee's disclosure reports indicate that, notwithstanding the receipt of unitemized contributions, the Committee likely crossed the \$5,000 contribution threshold and triggered the Statement of Candidacy filing requirement no later than February 7, 2016. See Crane for Congress 2016 April Quarterly Report at 8, filed April 13, 2016. As such, when Crane filed a Statement of Candidacy for the 2016 election on April 12, 2016, it was at least fifty days late.

1. Accordingly, in furtherance of the Commission's priorities relative to other matters pending on
2 the Enforcement docket, the Commission exercises its prosecutorial discretion and dismisses the
3 allegations pursuant to *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). Additionally, the
4 Commission reminds Michael Robert Crane of the requirements under 52 U.S.C. § 30102(e)(1)
5 and 11 C.F.R. § 101.1(a), concerning the timely filing of a Statement of Candidacy and
6 designation of a principal campaign committee, and reminds the Committee of the requirements
7 under 52 U.S.C. § 30103(a) and (c), concerning the timely filing of a Statement of Organization.